

Attorney Docket No. 499.057US1

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

**United States Patent Application**  
**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **MAINTAINING MEMBERSHIP IN HIGH AVAILABILITY COMPUTING SYSTEMS**

The specification of which was filed on March 16, 2001 as application serial no. 09/811,158.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

**Application Number**  
**60/189,864**

**Filing Date**  
**March 16, 2000**

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**No such claim for priority is being made at this time.**

Attorney Docket No.: 499,057US1  
 Serial No. 09/811,158  
 Filing Date: March 16, 2001

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Gortych, Joseph E.	Reg. No. 41,791	Nelson, Albin J.	Reg. No. 28,650
Arora, Suncel	Reg. No. 42,267	Hasek, John L.	Reg. No. 36,154	Nielsen, Walter W.	Reg. No. 25,539
Beckman, Marvin L.	Reg. No. 38,177	Harris, Robert J.	Reg. No. 37,346	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Hill, Stanley K.	Reg. No. 37,548	Parker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,856	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Perdot, Monique M.	Reg. No. 42,989
Black, David W.	Reg. No. 42,331	Jurkovich, Patti J.	Reg. No. 44,813	Peret, Andrew R.	Reg. No. 41,246
Brennan, Leonide M.	Reg. No. 38,832	Kalis, Jansl M.	Reg. No. 37,650	Peterson, David C.	Reg. No. 47,857
Brennan, Thomas F.	Reg. No. 35,075	Klima-Silberg, Catherine L.	Reg. No. 40,052	Prout, William F.	Reg. No. 33,995
Brooks, Edward J., III	Reg. No. 40,925	Kluth, Daniel J.	Reg. No. 32,146	Schumm, Sherry W.	Reg. No. 39,422
Chadwick, Robin A.	Reg. No. 36,477	Lacy, Rodney L.	Reg. No. 41,136	Schwegman, Michael L.	Reg. No. 25,816
Clark, Barbara J.	Reg. No. 38,107	Lemaire, Charles A.	Reg. No. 36,198	Scott, John C.	Reg. No. 38,613
Clise, Timothy B.	Reg. No. 40,957	LeMoine, Dana B.	Reg. No. 40,062	Smith, Michael G.	Reg. No. 45,368
Crisman, Douglas J.	Reg. No. 39,951	Lundberg, Steven W.	Reg. No. 30,568	Spicer, Gary J.	Reg. No. 45,458
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Forrest, Bradley A.	Reg. No. 30,837	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gamon, Owen J.	Reg. No. 36,143	Naum, Kush	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440
Gorrie, Gregory J.	Reg. No. 36,530				

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402  
 Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1: Padmanabhan Sreenivasan  
 Citizenship: India Residence: Sunnyvale, California  
 Post Office Address: 1080 Reed Avenue  
 Apartment #49  
 Sunnyvale, CA 94086

Signature: S. Padmanabhan  
 Padmanabhan Sreenivasan

Date: 11/29/2001

Full Name of joint inventor number 2: Ajit Dandapani  
 Citizenship: India Residence: Los Altos, CA  
 Post Office Address: 35 Sylvian Way  
 Los Altos, CA 94022

Signature: Ajit Dandapani

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 3 : Michael Nishimoto  
Citizenship: United States of America  
Post Office Address: 1956 Serge Avenue  
San Jose, CA 95130

Residence: San Jose, CA

Signature: \_\_\_\_\_

Michael Nishimoto

Date: \_\_\_\_\_

Full Name of joint inventor number 4 : Ira Pramanick  
Citizenship: India  
Post Office Address: 5839 Capilano Drive  
San Jose, CA 95138

Residence: San Jose, CA

Signature: \_\_\_\_\_

Ira Pramanick

Date: \_\_\_\_\_

Full Name of joint inventor number 5 : Manish Verma  
Citizenship: United States of America  
Post Office Address: 450 N. Mathilda  
Apt. U102  
Sunnyvale, CA 94086

Residence: Sunnyvale, CA

Signature: \_\_\_\_\_

Manish Verma

Date: \_\_\_\_\_

Full Name of joint inventor number 6 : Robert David Bradshaw  
Citizenship: United States of America  
Post Office Address: 276 Huckleberry Drive  
San Jose, CA 95123

Residence: San Jose, CA

Signature: \_\_\_\_\_

Robert David Bradshaw

Date: \_\_\_\_\_

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Full Name of joint inventor number 7: Luca CastellanoCitizenship: United States of AmericaResidence: Los Gatos, CAPost Office Address: 251 Vista De Sierra  
Los Gatos, CA 95032

Signature: \_\_\_\_\_

Luca Castellano

Date: \_\_\_\_\_

Full Name of joint inventor number 8: Sharad SrivastavaCitizenship: United States of AmericaResidence: Morgan Hill, CAPost Office Address: 1480 Majorca Drive  
Morgan Hill, CA 95037

Signature: \_\_\_\_\_

Sharad Srivastava

Date: \_\_\_\_\_

Full Name of joint inventor number 9: Raghu MallenaCitizenship: IndiaResidence: San Jose, CAPost Office Address: 981 Pinewood Drive  
San Jose, CA 95129

Signature: \_\_\_\_\_

Raghu Mallena

Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Attorney Docket No.: 499.057US1  
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§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

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Forrest, Bradley A.	Reg. No. 30,837	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gamon, Owen J.	Reg. No. 36,143	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440
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Full Name of joint inventor number 1 : **Padmanabhan Sreenivasan**

Citizenship: **India**

Residence: **Burnaby, Canada**

Post Office Address: **4390 Grange Street  
#1702  
Burnaby BC V5H 1P6  
Canada**

Signature: \_\_\_\_\_

**Padmanabhan Sreenivasan**

Date: \_\_\_\_\_

Full Name of joint inventor number 2 : **Ajit Dandapani**

Citizenship: **India USA**

Residence: **Los Altos, CA**

Post Office Address: **35 Sylvian Way  
Los Altos, CA 94022**

Signature: \_\_\_\_\_

**Ajit Dandapani**

Date: **8/8/01**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 3 : **Michael Nishimoto**

Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: 1956 Serge Avenue  
San Jose, CA 95130

Signature: \_\_\_\_\_

Michael Nishimoto

Date: \_\_\_\_\_

Full Name of joint inventor number 4 : **Ira Pramanick**

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: 5839 Capilano Drive  
San Jose, CA 95138

Signature: \_\_\_\_\_

Ira Pramanick

Date: \_\_\_\_\_

Full Name of joint inventor number 5 : **Manish Verma**

Citizenship: **United States of America**

Residence: **Sunnyvale, CA**

Post Office Address: 450 N. Mathilda  
Apt. U102  
Sunnyvale, CA 94086

Signature: \_\_\_\_\_

Manish Verma

Date: \_\_\_\_\_

Full Name of joint inventor number 6 : **Robert David Bradshaw**

Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: 276 Huckleberry Drive  
San Jose, CA 95123

Signature: \_\_\_\_\_

Robert David Bradshaw

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Full Name of joint inventor number 7 : **Luca Castellano**

Citizenship: **United States of America**

Residence: **Los Gatos, CA**

Post Office Address: **251 Vista De Sierra  
Los Gatos, CA 95032**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Luca Castellano**

Full Name of joint inventor number 8 : **Sharad Srivastava**

Citizenship: **United States of America**

Residence: **Morgan Hill, CA**

Post Office Address: **1480 Majorca Drive  
Morgan Hill, CA 95037**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Sharad Srivastava**

Full Name of joint inventor number 9 : **Raghu Mallena**

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: **981 Pinewood Drive  
San Jose, CA 95129**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Raghu Mallena**

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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Bianchi, Timothy E.	Reg. No. 39,610	Hill, Stanley K.	Reg. No. 37,548	Parker, J. Kevin	Reg. No. 33,024
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Full Name of joint inventor number 1 : **Padmanabhan Sreenivasan**  
Citizenship: **India** Residence: **Burnaby, Canada**  
Post Office Address: **4390 Grange Street**  
**#1702**  
**Burnaby BC V5H 1P6**  
**Canada**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Padmanabhan Sreenivasan**

Full Name of joint inventor number 2 : **Ajit Dandapani**  
Citizenship: **India** Residence: **Los Altos, CA**  
Post Office Address: **35 Sylvian Way**  
**Los Altos, CA 94022**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Ajit Dandapani**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 3 : **Michael Nishimoto**

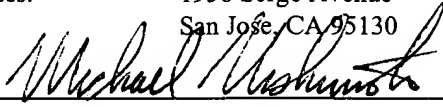
Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: **1956 Serge Avenue**

**San Jose, CA 95130**

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

**8/10/2001**

Michael Nishimoto

Full Name of joint inventor number 4 : **Ira Pramanick**

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: **5839 Capilano Drive**

**San Jose, CA 95138**

Signature: \_\_\_\_\_

Ira Pramanick

Date: \_\_\_\_\_

Full Name of joint inventor number 5 : **Manish Verma**

Citizenship: **United States of America**

Residence: **Sunnyvale, CA**

Post Office Address: **450 N. Mathilda**

**Apt. U102**

**Sunnyvale, CA 94086**

Signature: \_\_\_\_\_

Manish Verma

Date: \_\_\_\_\_

Full Name of joint inventor number 6 : **Robert David Bradshaw**

Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: **276 Huckleberry Drive**

**San Jose, CA 95123**

Signature: \_\_\_\_\_

Robert David Bradshaw

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

**United States Patent Application**  
**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **MAINTAINING MEMBERSHIP IN HIGH AVAILABILITY COMPUTING SYSTEMS**

The specification of which was filed on March 16, 2001 as application serial no. 09/811,158.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

**Application Number**  
**60/189,864**

**Filing Date**  
**March 16, 2000**

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**No such claim for priority is being made at this time.**

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Gortych, Joseph E.	Reg. No. 41,791	Nelson, Albin J.	Reg. No. 28,650
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Citizenship: **India** Residence: **Burnaby, Canada**  
Post Office Address: **4390 Grange Street**  
**#1702**  
**Burnaby BC V5H 1P6**  
**Canada**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Padmanabhan Sreenivasan**

Full Name of joint inventor number 2 : **Ajit Dandapani**  
Citizenship: **India** Residence: **Los Altos, CA**  
Post Office Address: **35 Sylvian Way**  
**Los Altos, CA 94022**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Ajit Dandapani**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 3 : Michael Nishimoto

Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: 1956 Serge Avenue  
San Jose, CA 95130

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Michael Nishimoto

Full Name of joint inventor number 4 : Ira Pramanick

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: 5839 Capilano Drive  
San Jose, CA 95138

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Ira Pramanick

Full Name of joint inventor number 5 : Manish Verma

Citizenship: **United States of America**

Residence: **Sunnyvale, CA**

Post Office Address: 450 N. Mathilda  
Apt. U102  
Sunnyvale, CA 94086

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Manish Verma

Full Name of joint inventor number 6 : Robert David Bradshaw

Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: 276 Huckleberry Drive  
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Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Robert David Bradshaw

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Full Name of joint inventor number 7 : **Luca Castellano**

Citizenship: **United States of America**

Residence: **Los Gatos, CA**

Post Office Address: **251 Vista De Sierra  
Los Gatos, CA 95032**

Signature: \_\_\_\_\_

**Luca Castellano**

Date: \_\_\_\_\_

Full Name of joint inventor number 8 : **Sharad Srivastava**

Citizenship: **United States of America**

Residence: **Morgan Hill, CA**

Post Office Address: **1480 Majorca Drive  
Morgan Hill, CA 95037**

Signature: \_\_\_\_\_

**Sharad Srivastava**

Date: \_\_\_\_\_

Full Name of joint inventor number 9 : **Raghu Mallena**

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: **981 Pinewood Drive  
San Jose, CA 95129**

Signature: \_\_\_\_\_

**Raghu Mallena**

Date: **30 Aug 2001**

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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**Burnaby BC V5H 1P6**  
**Canada**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Padmanabhan Sreenivasan**

Full Name of joint inventor number 2 : **Ajit Dandapani**  
Citizenship: **India** Residence: **Los Altos, CA**  
Post Office Address: **35 Sylvian Way**  
**Los Altos, CA 94022**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Ajit Dandapani**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 499.057US1  
Serial No. 09/811,158  
Filing Date: March 16, 2001

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Citizenship: **United States of America**  
Post Office Address: **1956 Serge Avenue**  
**San Jose, CA 95130**

Residence: **San Jose, CA**

Signature: \_\_\_\_\_  
Michael Nishimoto

Date: \_\_\_\_\_

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Citizenship: **India**  
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Residence: **San Jose, CA**

Signature: \_\_\_\_\_  
Ira Pramanick

Date: \_\_\_\_\_

Full Name of joint inventor number 5 : **Manish Verma**  
Citizenship: **United States of America**  
Post Office Address: **450 N. Mathilda**  
**Apt. U102**  
**Sunnyvale, CA 94086**

Residence: **Sunnyvale, CA**

Signature: \_\_\_\_\_  
Manish Verma

Date: \_\_\_\_\_

Full Name of joint inventor number 6 : **Robert David Bradshaw**  
Citizenship: **United States of America**  
Post Office Address: **276 Huckleberry Drive**  
**San Jose, CA 95123**

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Full Name of joint inventor number 7 : Luca Castellano

Citizenship: United States of America

Residence: Los Gatos, CA

Post Office Address: 251 Vista De Sierra  
Los Gatos, CA 95032

Signature: \_\_\_\_\_

Luca Castellano

Date: \_\_\_\_\_

Aug 12 2001

Full Name of joint inventor number 8 : Sharad Srivastava

Citizenship: United States of America

Residence: Morgan Hill, CA

Post Office Address: 1480 Majorca Drive  
Morgan Hill, CA 95037

Signature: \_\_\_\_\_

Sharad Srivastava

Date: \_\_\_\_\_

Full Name of joint inventor number 9 : Raghu Mallena

Citizenship: India

Residence: San Jose, CA

Post Office Address: 981 Pinewood Drive  
San Jose, CA 95129

Signature: \_\_\_\_\_

Raghu Mallena

Date: \_\_\_\_\_

Full Name of inventor:

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Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

**United States Patent Application**  
**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **MAINTAINING MEMBERSHIP IN HIGH AVAILABILITY COMPUTING SYSTEMS**

The specification of which was filed on March 16, 2001 as application serial no. 09/811,158.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>Application Number</u>	<u>Filing Date</u>
60/189,864	March 16, 2000

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**No such claim for priority is being made at this time.**

Attorney Docket No.: 499.057US1  
 Serial No. 09/811,158  
 Filing Date: March 16, 2001

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Gartych, Joseph E.	Reg. No. 41,791	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Haack, John L.	Reg. No. 36,154	Nielsen, Walter W.	Reg. No. 25,539
Beekman, Marvin L.	Reg. No. 38,377	Harris, Robert J.	Reg. No. 37,346	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Hill, Stanley K.	Reg. No. 37,548	Parker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,836	Jackson Hochsch, Katherine A.	Reg. No. 47,670	Perdok, Monique M.	Reg. No. 42,989
Black, David W.	Reg. No. 42,331	Jurkovich, Paul J.	Reg. No. 44,813	Peret, Andrew R.	Reg. No. 41,246
Brennan, Leonie M.	Reg. No. 35,832	Kalis, Jamal M.	Reg. No. 37,650	Peterson, David C.	Reg. No. 47,857
Brennan, Thomas P.	Reg. No. 35,075	Klima-Silberg, Catherine I.	Reg. No. 40,052	Prout, William F.	Reg. No. 33,995
Brooks, Edward J., III	Reg. No. 40,925	Kluth, Daniel J.	Reg. No. 32,146	Schuman, Sherry W.	Reg. No. 39,422
Chadwick, Robin A.	Reg. No. 36,477	Lacy, Rodney L.	Reg. No. 41,136	Schwegman, Michael L.	Reg. No. 25,816
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Gorrie, Gregory J.	Reg. No. 36,530				

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:  
 P.O. Box 2938, Minneapolis, MN 55402  
 Telephone No. (612)373-6900

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Full Name of joint inventor number 1 : Padmanabhan Sreenivasan  
 Citizenship: India Residence: Sunnyvale, California  
 Post Office Address: 1080 Reed Avenue  
Apartment #49  
Sunnyvale, CA 94086

Signature: \_\_\_\_\_  
Padmanabhan Sreenivasan

Date: \_\_\_\_\_

Full Name of joint inventor number 2 : Ajit Dandapani  
 Citizenship: India Residence: Los Altos, CA  
 Post Office Address: 35 Sylvian Way  
Los Altos, CA 94022

Signature: \_\_\_\_\_  
Ajit Dandapani

Date: \_\_\_\_\_



Attorney Docket No.: 499.057US1

Serial No. 09/811,158

Filing Date: March 16, 2001

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Full Name of joint inventor number 3 : Michael Nishimoto

Citizenship: United States of America

Residence: San Jose, CA

Post Office Address: 1956 Serge Avenue  
San Jose, CA 95130

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Michael Nishimoto

Full Name of joint inventor number 4 : Ira Pramanick

Citizenship: India

Residence: San Jose, CA

Post Office Address: 5839 Capilano Drive  
San Jose, CA 95138

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Ira Pramanick

Full Name of joint inventor number 5 : Manish Verma

Citizenship: United States of America

Residence: Sunnyvale, CA

Post Office Address: 450 N. Mathilda  
Apt. U102  
Sunnyvale, CA 94086

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Manish Verma

Full Name of joint inventor number 6 : Robert David Bradshaw

Citizenship: United States of America

Residence: San Jose, CA

Post Office Address: 276 Huckleberry Drive  
San Jose, CA 95123

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Robert David Bradshaw

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Agency Docket No.: 499.057US1  
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Full Name of joint inventor number 7: Luca Castellano  
Citizenship: United States of America  
Post Office Address: 251 Vista De Sierra  
Los Gatos, CA 95032

Residence: Los Gatos, CA

Signature: \_\_\_\_\_

Luca Castellano

Date: \_\_\_\_\_

Full Name of joint inventor number 8: Sharad Srivastava  
Citizenship: United States of America  
Post Office Address: 1480 Majoreca Drive

Residence: ~~Morgan Hill, CA~~ SAN JOSE, CA

Morgan Hill, CA 95037  
2353 GLEN CREEK CT  
SAN JOSE, CA, 95138

Signature: Sharad Srivastava

Sharad Srivastava

Date: 01/29/2001

Full Name of joint inventor number 9: Raghu Mallena  
Citizenship: India  
Post Office Address: 981 Pinewood Drive  
San Jose, CA 95129

Residence: San Jose, CA

Signature: \_\_\_\_\_

Raghu Mallena

Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Attorney Docket No.: 499.057US1  
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SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

**United States Patent Application**  
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**Application Number**  
**60/189,864**

**Filing Date**  
**March 16, 2000**

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Brennan, Leoniede M.	Reg. No. 35,832	Kalis, Janal M.	Reg. No. 37,650	Peterson, David C.	Reg. No. 47,857
Brennan, Thomas F.	Reg. No. 35,075	Klima-Silberg, Catherine I.	Reg. No. 40,052	Prout, William F.	Reg. No. 33,995
Brooks, Edward J., III	Reg. No. 40,925	Kluth, Daniel J.	Reg. No. 32,146	Schumm, Sherry W.	Reg. No. 39,422
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Drake, Eduardo E.	Reg. No. 40,594	Malen, Peter L.	Reg. No. 44,894	Stordal, Leif T.	Reg. No. 46,251
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Fordenbacher, Paul J.	Reg. No. 42,546	McCrackin, Ann M.	Reg. No. 42,858	Tong, Viet V.	Reg. No. 45,416
Forrest, Bradley A.	Reg. No. 30,837	Moore, Charles L., Jr.	Reg. No. 33,742	Viksins, Ann S.	Reg. No. 37,748
Gamon, Owen J.	Reg. No. 36,143	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440
Gorrie, Gregory J.	Reg. No. 36,530				

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**P.O. Box 2938, Minneapolis, MN 55402**  
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Full Name of joint inventor number 1 : **Padmanabhan Sreenivasan**

Citizenship: **India**

Residence: **Burnaby, Canada**

Post Office Address: **4390 Grange Street  
#1702  
Burnaby BC V5H 1P6  
Canada**

Signature: \_\_\_\_\_

**Padmanabhan Sreenivasan**

Date: \_\_\_\_\_

Full Name of joint inventor number 2 : **Ajit Dandapani**

Citizenship: **India**

Residence: **Los Altos, CA**

Post Office Address: **35 Sylvian Way  
Los Altos, CA 94022**

Signature: \_\_\_\_\_

**Ajit Dandapani**

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 499.057US1  
Serial No. 09/811,158  
Filing Date: March 16, 2001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3 : Michael Nishimoto

Citizenship: United States of America

Residence: San Jose, CA

Post Office Address: 1956 Serge Avenue  
San Jose, CA 95130

Signature: \_\_\_\_\_  
Michael Nishimoto

Date: \_\_\_\_\_

Full Name of joint inventor number 4 : Ira Pramanick

Citizenship: India

Residence: San Jose, CA

Post Office Address: 5839 Capilano Drive  
San Jose, CA 95138

Signature: \_\_\_\_\_  
Ira Pramanick

Date: \_\_\_\_\_

Full Name of joint inventor number 5 : Manish Verma

Citizenship: INDIA ~~United States of America~~

Residence: Sunnyvale, CA

Post Office Address: 450 N. Mathilda  
Apt. U102  
Sunnyvale, CA 94085

Signature: Manish Chandra Verma  
Manish Verma

Date: Aug 24, 2001

Full Name of joint inventor number 6 : Robert David Bradshaw

Citizenship: United States of America

Residence: San Jose, CA

Post Office Address: 276 Huckleberry Drive  
San Jose, CA 95123

Signature: \_\_\_\_\_  
Robert David Bradshaw

Date: \_\_\_\_\_

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Full Name of joint inventor number 7 : **Luca Castellano**

Citizenship: **United States of America**

Residence: **Los Gatos, CA**

Post Office Address: **251 Vista De Sierra  
Los Gatos, CA 95032**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Luca Castellano**

Full Name of joint inventor number 8 : **Sharad Srivastava**

Citizenship: **United States of America**

Residence: **Morgan Hill, CA**

Post Office Address: **1480 Majorca Drive  
Morgan Hill, CA 95037**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Sharad Srivastava**

Full Name of joint inventor number 9 : **Raghu Mallena**

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: **981 Pinewood Drive  
San Jose, CA 95129**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Raghu Mallena**

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

# **United States Patent Application** **COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **MAINTAINING MEMBERSHIP IN HIGH AVAILABILITY COMPUTING SYSTEMS**

The specification of which was filed on March 16, 2001 as application serial no. 09/811,158.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

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**No such claim for priority is being made at this time.**

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<u>Application Number</u>	<u>Filing Date</u>
60/189,864	March 16, 2000

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Arora, Suneel	Reg. No. 42,267	Haack, John L.	Reg. No. 36,154	Nielsen, Walter W.	Reg. No. 25,539
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Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:  
**P.O. Box 2938, Minneapolis, MN 55402**  
**Telephone No. (612)373-6900**

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Full Name of joint inventor number 1 : **Padmanabhan Sreenivasan**  
Citizenship: **India** Residence: **Burnaby, Canada**  
Post Office Address: **4390 Grange Street**  
**#1702**  
**Burnaby BC V5H 1P6**  
**Canada**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Padmanabhan Sreenivasan**

Full Name of joint inventor number 2 : **Ajit Dandapani**  
Citizenship: **India** Residence: **Los Altos, CA**  
Post Office Address: **35 Sylvian Way**  
**Los Altos, CA 94022**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Ajit Dandapani**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 499.057US1  
Serial No. 09/811,158  
Filing Date: March 16, 2001

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Full Name of joint inventor number 3 : **Michael Nishimoto**

Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: 1956 Serge Avenue  
San Jose, CA 95130

Signature: \_\_\_\_\_

Michael Nishimoto

Date: \_\_\_\_\_

Full Name of joint inventor number 4 : **Ira Pramanick**

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: 5839 Capilano Drive  
San Jose, CA 95138

Signature: \_\_\_\_\_

Ira Pramanick

Date: \_\_\_\_\_

Full Name of joint inventor number 5 : **Manish Verma**

Citizenship: **United States of America**

Residence: **Sunnyvale, CA**

Post Office Address: 450 N. Mathilda  
Apt. U102  
Sunnyvale, CA 94086

Signature: \_\_\_\_\_

Manish Verma

Date: \_\_\_\_\_

Full Name of joint inventor number 6 : **Robert David Bradshaw**

Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: 276 Huckleberry Drive  
San Jose, CA 95123

Signature: \_\_\_\_\_

*Robert David Bradshaw*

Robert David Bradshaw

Date: \_\_\_\_\_

*8/29/2001*

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 7 : **Luca Castellano**

Citizenship: **United States of America**

Residence: **Los Gatos, CA**

Post Office Address: 251 Vista De Sierra  
Los Gatos, CA 95032

Signature: \_\_\_\_\_

Luca Castellano

Date: \_\_\_\_\_

Full Name of joint inventor number 8 : **Sharad Srivastava**

Citizenship: **United States of America**

Residence: **Morgan Hill, CA**

Post Office Address: 1480 Majorca Drive  
Morgan Hill, CA 95037

Signature: \_\_\_\_\_

Sharad Srivastava

Date: \_\_\_\_\_

Full Name of joint inventor number 9 : **Raghu Mallena**

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: 981 Pinewood Drive  
San Jose, CA 95129

Signature: \_\_\_\_\_

Raghu Mallena

Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
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A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
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SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

**United States Patent Application**  
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# United States Patent Application

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Full Name of joint inventor number 1 : **Padmanabhan Sreenivasan**

Citizenship: **India** Residence: **Burnaby, Canada**  
Post Office Address: **4390 Grange Street**  
**#1702**  
**Burnaby BC V5H 1P6**  
**Canada**

Signature: \_\_\_\_\_  
-- Padmanabhan Sreenivasan

Date: \_\_\_\_\_

Full Name of joint inventor number 2 : **Ajit Dandapani**

Citizenship: **India** Residence: **Los Altos, CA**  
Post Office Address: **35 Sylvian Way**  
**Los Altos, CA 94022**

Signature: \_\_\_\_\_  
Ajit Dandapani

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 3 : **Michael Nishimoto**

Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: 1956 Serge Avenue  
San Jose, CA 95130

Signature: \_\_\_\_\_  
Michael Nishimoto

Date: \_\_\_\_\_

Full Name of joint inventor number 4 : **Ira Pramanick**

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: 5839 Capilano Drive  
San Jose, CA 95138

Signature: Ira Pramanick  
Ira Pramanick

Date: 11-16-2001

Full Name of joint inventor number 5 : **Manish Verma**

Citizenship: **United States of America**

Residence: **Sunnyvale, CA**

Post Office Address: 450 N. Mathilda  
Apt. U102  
Sunnyvale, CA 94086

Signature: \_\_\_\_\_  
Manish Verma

Date: \_\_\_\_\_

Full Name of joint inventor number 6 : **Robert David Bradshaw**

Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: 276 Huckleberry Drive  
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Signature: \_\_\_\_\_  
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Filing Date: March 16, 2001

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 7 : **Luca Castellano**  
Citizenship: **United States of America**  
Post Office Address: 251 Vista De Sierra  
Los Gatos, CA 95032

Residence: **Los Gatos, CA**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Luca Castellano

---

Full Name of joint inventor number 8 : **Sharad Srivastava**  
Citizenship: **United States of America**  
Post Office Address: 1480 Majorca Drive  
Morgan Hill, CA 95037

Residence: **Morgan Hill, CA**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Sharad Srivastava

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Full Name of joint inventor number 9 : **Raghu Mallena**  
Citizenship: **India**  
Post Office Address: 981 Pinewood Drive  
San Jose, CA 95129

Residence: **San Jose, CA**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Raghu Mallena

---

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.